

## Message Text

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PAGE 01 BRUSSE 17563 060615Z  
ACTION DLOS-09

INFO OCT-01 EUR-12 ISO-00 FEA-01 ACDA-12 AGRE-00  
AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 COME-00  
DODE-00 DOTE-00 EB-08 EPA-01 ERDA-05 FMC-01  
TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00 L-03  
NSAE-00 NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-05  
PRS-01 SP-02 SS-15 USIA-06 /130 W  
-----063766 060618Z /17/10

R 021642Z DEC 77  
FM AMEMBASSY BRUSSELS  
TO SECSTATE WASHDC 3463

C O N F I D E N T I A L BRUSSELS 17563

USEEC

C O R R E C T E D C O P Y (TEXT ADDED IN PARA 4)

E.O. 11652: GDS  
TAGS: EEC, PLOS  
SUBJ: US/EC COMMISSION CONSULTATIONS ON LOS

REF BRUSSELS 15743

1. D/LOS DIRECTOR BERLIND, ACCOMPANIED BY MISSION OFFICERS, MET NOVEMBER 21 WITH EC COMMISSION LEGAL ADVISER MICHAEL HARDY FOR REVIEW OF RESULTS OF NOVEMBER 12 GENEVA MEETING OF "LIKE-MINDED" COUNTRIES ON DEEP SEABED MINING. HARDY OCCUPIES KEY POSITION IN EC COMMISSION'S LOS POLICY-MAKING STRUCTURE, WHICH HAS PLAYED CENTRAL COORDINATING ROLE IN DEVELOPMENT OF OVERALL COMMUNITY POSITIONS ON LOS MATTERS, EVEN THOUGH EC MEMBER STATES HAVE NOT AGREED TO COMMISSION COMPETENCE ON SEABED MINING.

2. HARDY OBSERVED AT OUTSET THAT ONE OF THE MOST IMPORTANT ASPECTS OF THE GENEVA MEETING SEEMED TO INVOLVE PROCEDURAL  
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QUESTIONS--WHO WOULD CHAIR WHAT IN FUTURE LOS SESSIONS--  
AND EXPRESSED INTEREST IN ANY DECISIONS TAKEN IN THAT REGARD. IN THIS CONNECTION, HARDY MADE THE FOLLOWING POINTS:

(A) AN EVENSEN CHAIRMANSHIP ON SEABED MINING POSES  
DIFFICULTY FOR BOTH THE EC AND THE US, SINCE, AS A

WESTERNER AND A MODERATE, HIS PROPOSALS ARE NOT EASY TO TURN DOWN. HARDY EMPHASIZED THAT THE REVISED EVENSEN TEXT, ALTHOUGH AN IMPROVEMENT OVER THE ENGO TEXT, IS UNACCEPTABLE TO THE EC.

(B) ALTHOUGH THE EC HAS AN INTEREST IN AVOIDING AN EVENSEN CHAIRMANSHIP ON SEABED MINING, HIS INVOLVEMENT IN LANDLOCKED/GEOGRAPHICALLY DISADVANTAGED ISSUES WOULD BE ACCEPTABLE.

(C) DIRECT INVOLVEMENT BY AMERASINGHE ON SEABED MINING (INCLUDING PROPOSALS FROM AMERASINGHE) WOULD SERVE WESTERN PURPOSES BETTER THAN CONTINUED INVOLVEMENT BY EVENSEN, WHOSE INTEREST IS TO "GET A DEAL AT ANY COST".

3. IN RESPONDING TO ABOVE POINTS, BERLIND EMPHASIZED THAT USG DOES NOT KNOW WHO SEABED MINING CHAIRMANSHIP WILL FALL TO BUT THAT WE HAVE NO INTEREST IN PRECLUDING EVENSEN, ADDING THAT WE THINK EVENSEN AND HIS NEGOTIATING TEAM HAVE DEMONSTRATED CONSIDERABLE SKILL. BERLIND SPECULATED THAT OPTIMUM ARRANGEMENT FOR THE NEXT LOS SESSION MIGHT BE TO HAVE AMERASINGHE PRESIDE, FLANKED BY HIS CHAIRMEN, WHOM HE COULD CALL UPON DEPENDING ON THE AREA UNDER DISCUSSION. WITH RESPECT TO HARDY'S SUGGESTION THAT AMERASINGHE SUBMIT HIS OWN PROPOSALS, BERLIND QUESTIONED WHETHER AMERASINGHE SHOULD COMMIT HIS PRESTIGE  
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SO SOON. BERLIND EMPHASIZED THAT, ALTHOUGH EVENSEN TEXT IS NOT ACCEPTABLE TO USG AS A TREATY TEXT, NO ONE ELSE HAS YET SUBMITTED OTHER PROPOSALS. MORRISS

4. HARDY ALSO ASKED ABOUT STATUS OF US LEGISLATION ON MARINE POLLUTION AND EXPRESSED INTEREST IN ITS RELATIONSHIP TO IMCO. HE SAID THAT EC IS PARTICULARLY INTERESTED IN SPECIFICS OF US PROPOSALS CONCERNING BOARDING AT SEA. HARDY EXPRESSED CONCERN THAT THE USG HAS GIVEN UP ON A POSSIBLE LOS CONVENTION IN REGARD TO OCEAN POLLUTION AND IS TURNING TO IMCO AND POSSIBLY TO NATIONAL LEGISLATION TO ASSERT POLLUTION JURISDICTION OVER THE ECONOMIC ZONE HE EMPHASIZED THAT, IF SUCH PRACTICE BECAME UNIVERSAL, IT WOULD POSE ENFORCEMENT PROBLEMS FOR THE EC WHICH, UNLIKE THE US, DOES NOT HAVE AN EFFECTIVE COAST GUARD, AND WHOSE PORTS ARE BY-PASSED BY MANY SHIPS MOVING THROUGH ITS 200 MILE WATERS. HE SAID THAT IN CONTRAST, 90 PERCENT OF SHIPS IN US WATERS STOP IN US PORTS, PERMITTING APPLICATION OF POLLUTION REGULATIONS.

5. BERLIND INDICATED THAT HE DID NOT HAVE INFORMATION AT HAND BUT SUGGESTED THAT EC MIGHT WISH TO FOLLOW UP ON THESE

QUESTIONS IN WASHINGTON.

6. ACTION REQUESTED: GUIDANCE ON RESPONDING TO HARDY'S  
QUESTION IN PARA 4.

7. BELIND, WHO LEFT BRUSELS THE SAME DAY, DID NOT HAVE  
AN OPPORTUNITY TO CLEAR THIS TELEGRAM. MORRIS

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NNN

## Message Attributes

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**Disposition Date:** 22 May 2009  
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**TAGS:** PLOS, US, EEC  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009